

1 **ALVERSON, TAYLOR,
MORTENSEN & SANDERS**
2 KURT R. BONDS, ESQ.
3 Nevada Bar No. 6228
4 ADAM R. KNECHT, ESQ.
5 Nevada Bar No. 13166
6 6605 Grand Montecito Pkwy, Ste 200
7 Las Vegas, NV 89149
8 (702) 384-7000
9 efile@alversontaylor.com
10 *Attorneys for Plaintiff*
11 *Voip-Pal.com, Inc.*

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 VOIP-PAL.COM, INC., a Nevada corporation,

15 CASE NO.: 2:16-cv-00271-RCJ-VCF

16 Plaintiff,

17 v.

18 CELLCO PARTNERSHIP d/b/a VERIZON
19 WIRELESS., a Delaware corporation; AT&T
20 CORP., a Delaware corporation; and DOES I
21 through X, inclusive,

22 Defendants.

23 **STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
JOINT STATUS REPORT**

24 Plaintiff Voip-Pal.com, Inc. (“Plaintiff” or “Voip-Pal”) and Cellco Partnership d/b/a Verizon
25 Wireless (“Verizon”) and AT&T Corp. (“AT&T”, and together with Verizon, “Defendants”),
26 through undersigned counsel, stipulate and request the Court to continue the deadline to file a Joint
Status Report from January 12, 2018 to January 26, 2018.

1. VoIP-Pal filed this action on February 10, 2016, against Defendants, alleging
2. infringement of U.S. Patent Nos. 8,542,815 (the “815 patent”) and 9,179,005 (the “005 patent”).
3. (ECF No. 1);

4. On May 24, 2016, this Court entered an order extending the time for Defendants to
5. answer the complaint until July 29, 2016. (ECF No. 12);

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY, STE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000

1 3. On June 15, 2016, an unrelated third party to this action, Apple, Inc. (“Apple”), filed a
 2 petition for *inter partes* review (“IPR”) by the Patent Trial and Appeal Board (“PTAB”) concerning
 3 the ‘815 patent (the “Apple ‘815 IPR petition”). Apple also petitioned the PTAB to conduct IPR on
 4 the ‘005 patent (the “Apple ‘005 IPR petition”);

5 4. On July 28, 2016, the parties filed a stipulation and proposed order seeking a stay of
 6 this litigation pending the PTAB’s decisions on whether to institute IPR on the ‘815 and ‘005
 7 patents. (ECF No. 29);

8 5. On July 29, 2016, this Court granted the parties’ stipulation, ordering a stay of this
 9 litigation pending the Court’s review of a Joint Status Report outlining the parties’ respective
 10 positions on how the case should proceed in light of the PTAB’s institution decisions. (ECF No.
 11 31);

12 6. On November 21, 2016, the PTAB instituted IPR on all asserted claims of the ‘815
 13 patent. (Decision, Institution of *Inter Partes* Review of United States Patent No. 8,542,815, *Apple*
 14 *Inc. v. VoIP-Pal.com, Inc.*, IPR2016-01201 (P.T.A.B. Nov. 21, 2016) at 32);

15 7. Likewise, on November 21, 2016, the PTAB instituted IPR on all asserted claims of
 16 the ‘005 patent. (Decision, Institution of *Inter Partes* Review of United States Patent No. 9,179,005,
 17 *Apple Inc. v. VoIP-Pal.com, Inc.*, IPR2016-01198 (P.T.A.B. Nov. 21, 2016) at 31);

18 8. By statute, the PTAB was to issue final written decisions in the ‘815 patent and ‘005
 19 patent IPR proceedings no later than November 21, 2017. 35 U.S.C. § 316(a)(11);

20 9. On November 20, 2017, the PTAB issued final written decisions denying Apple’s
 21 challenged claims in the ‘815 patent and ‘005 patent IPR proceedings (IPR2016-01201 and IPR2016-
 22 01198). Additionally, the PTAB denied institution of IPRs for five other petitions filed against the
 23 ‘815 and ‘005 patents, namely, three IPR petitions filed by AT&T (IPR2017-01382, IPR2017-01383,
 24 and IPR2017-01384), and two follow-on petitions filed by Apple (IPR2017-01398 and IPR2017-
 25 01399).

26 10. On December 20, 2017 Apple filed a motion for sanctions in the PTAB requesting
 27 entry of judgment against Voip-Pal. Apple’s motion describes a series of ex parte letters sent to the
 28 PTAB by Dr. Sawyer, former CEO of Voip-Pal, referencing the IPR proceeding. Apple argues that

1 these ex parte communications tainted the IPR proceeding and violated PTAB regulations, the
 2 Administrative Procedure Act, and Apple's due process rights. Voip-Pal's opposition is due January
 3 12, 2018 and Apple's reply is due January 26, 2018.

4 11. A joint status report is due in two similar cases before the Honorable Richard F.
 5 Boulware, II in *Voip-Pal.com, Inc., v. Twitter, Inc.*, Case No. 2:16-cv-2338 and *Voip-Pal.com, Inc. v.*
 6 *Apple, Inc.*, Case No. 2:16-cv-00260 on January 26, 2017. Because of the similarity of issues and
 7 procedural history involving these cases, the parties desire to extend the deadline to file their joint
 8 status report in this matter to correlate with the current deadlines in *Voip-Pal.com, Inc., v. Twitter,*
 9 *Inc.* and *Voip-Pal.com, Inc. v. Apple, Inc.* The parties intend to meet and confer and jointly prepare a
 10 joint status report. There is good cause to continue the deadline to file a joint status report until
 11 January 26, 2018.

12 DATED the 2nd day of January, 2018.

13 **IT IS SO AGREED AND STIPULATED:**

15 ALVERSON, TAYLOR,
 16 MORTENSEN & SANDERS
 17 _____
 18 /s/ Adam R. Knecht
 19 KURT R. BONDS, ESQ.
 20 Nevada Bar No. 6228
 21 ADAM R. KNECHT, ESQ.
 22 Nevada Bar No. 13166
 23 6605 Grand Montecito Pkwy, Ste. 200
 24 Las Vegas, NV 89149
 25 (702) 384-7000
 26 efile@alversontaylor.com
 27
 28 *Attorneys for Plaintiff*

15 BAKER BOTTS L.L.P.
 16
 17 _____
 18 /s/ Samir Bhavsar
 19 Bryant C. Boren, Jr.
 20 bryant.c.boren@bakerbotts.com
 21 May Eaton
 22 may.eaton@bakerbotts.com
 23 1001 Page Mill Road, Bldg. One, St. 200
 24 Palo Alto, CA 94304
 25 (650) 739-7500
 26
 27 Samir Bhavsar
 28 samir.bhavsar@bakerbotts.com
 Susan Kennedy

1 SNELL & WILMER	susan.kennedy@bakerbotts.com
2 <u>/s/ Kelly Dove</u>	Brian Johnston
3 KELLY H. DOVE, ESQ.	brian.johnston@bakerbotts.com
4 Nevada Bar No. 10569	2001 Ross Avenue
5 3883 Howard Hughes Pkwy, #1100	Dallas, Texas 75201
6 Las Vegas, NV 89169	(214) 953-6500
7 (702) 784-5200	
8 kdove@swlaw.com	
	<i>Attorneys for Defendant AT&T Corp.</i>
7 Attorney for Defendant Cellco Partnership	
8 d/b/a Verizon Wireless	

10 IT IS SO ORDERED:

11 _____
12 UNITED STATES DISTRICT JUDGE

13 Dated: _____

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY, STE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000